UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,820	11/04/2003	Dominic Bennett	CLAR 1041-1	6243

61081   7590   05/24/2007

CLARIA CORPORATION
c/o HAYNES BEFFEL & WOLFELD LLP
P.O. BOX 366
751 KELLY STREET
HALF MOON BAY, CA 94019

EXAMINER
HAILU, TADESSE

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
05/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/700,820	BENNETT ET AL.
	Examiner	**Art Unit**	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 April 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/21/07</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This Office Action is in response to the Amendments submitted April 6,

2007 for the above identified patent application number.

2.   The IDS submitted March 21, 2007 is considered and entered into the

file.

3.   The pending claims 1 through 26 are examined and rejected herein as

follows:

Response to Arguments

4.   Applicant's arguments filed April 6, 2007 have been fully considered but

they are not persuasive. The examiner carefully reviewed the outstanding

illustration and argument submitted for discussion. The applicant argues that

neither Boyd nor Whiting discloses a system that suffices to gather

information from client computers. In contrast to the Applicant's argument,

Boyd in view of Whiting discloses a system that suffices to gather information

from client computers. In claim language Boyd in view of Whiting discloses a

system that receives/captures navigation histories from a plurality of client

computers on the Internet. Similar to the current invention, Boyd et al

("Boyd") relates generally to remote traffic data analysis and more particularly

to a system and method for analyzing remote traffic data in a distributed

computing environment. Boyd disclose that the system for analyzing traffic

data (comprising plurality of clients 12, 14, 17, etc., and server 10)

receives/captures navigation data in terms of traffic data from a plurality of

client computers (e.g. sources of traffic data **11** originated from at least a

remote system **12** and direct connection **17**) are shown interconnected with

the server 10 over a network connection 13 (Fig. 1).

Having fully addressed the applicant's argument the rejection still

stands.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Boyd

et al (U.S. 6,112,238).

Boyd et al ("Boyd") relates generally to remote traffic data analysis and more

particularly to a system and method for analyzing remote traffic data in a

distributed computing environment.

By analyzing the remote traffic data, the system generally intended to

provide useful information about visitor interaction with a website and

associated website performance, thereby allowing business decisions to be

made that will ideally maximize financial return and/or performance of a

website.

Boyd disclose that the system for analyzing traffic data (comprising plurality of clients 12, 14, 17, etc., and server **10**) receives/captures navigation data in terms of traffic data from a plurality of client computers (e.g. sources of traffic data **11** originated from at least a remote system **12** and direct connection **17**) are shown interconnected with the server 10 over a network connection 13 (Fig. 1). Boyd also disclose, for example, each of the navigation data representing traffic data 11 identifies different websites visited by a user of a client computer, that is each accessed or navigated site is stored under REFER SITE 37 (Fig. 3A) or under TABLE 40A within container file 41(Fig. 5).

Boyd also disclose that the raw traffic data 11 received by the system at a server **10** and preferably stored a log file 15, although a **database 16** ("first database") or other storage structure can be used to build the traffic data or the navigational histories (column 3, lines 43-49, Fig. 1).

Boyd also disclose that the server 10 examines and analyses (processes) the traffic data hit 11 that are stored in the database 16) ("first database") to generate relevant traffic data (column 3, lines 50-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-3, 7, 9-11, 14-20, 24 and 25 and 26 are rejected under 35

U.S.C. 103(a) as being unpatentable over Boyd et al (U.S. 6,112,238) in view of

Whiting (US Pub 2002/0156552).

With regard to claims 1, 14 and 17:

Boyd et al ("Boyd") relates generally to remote traffic data analysis and

more particularly to a system and method for analyzing remote traffic data in

a distributed computing environment.

By analyzing the remote traffic data, the system generally intended to

provide useful information about visitor interaction with a website and

associated website performance, thereby allowing business decisions to be

made that will ideally maximize financial return and/or performance of a

website.

The method for analyzing remote traffic data to determine the

performance of a website in a distributed computing environment comprising:

Boyd disclose that the system for analyzing traffic data (comprising

plurality of clients 12, 14, 17, etc., and server **10**) receives/captures navigation

data in terms of traffic data from a plurality of client computers (e.g. sources of

traffic data **11** originated from at least a remote system **12** and direct

connection .**17**) are shown interconnected with the server 10 over a network

connection 13 (Fig. 1). The format used in storing each traffic data 11 and an

example of a traffic data hit 11 is shown in Figs. 3A-5. For example, each of the

navigation data representing traffic data 11 identifies different websites visited

by a user of a client computer, that is each accessed or navigated site is stored

under REFER SITE 37 (Fig. 3A) or under TABLE 40A within container file

41(Fig. 5).

The raw traffic data 11 received by the server 10 and preferably stored a

log file 15, although a **database 16** ("first database") or other storage structure

can be used (column 3, lines 43-49, Fig. 1).

Each access by a remote user to the server 10 results in a "hit" of raw

traffic data 11. Access information is collected from traffic data hits 11 and

summarized by the server 10 into analysis results 18A-C (block 21. The server

10, examines and analyses the traffic data hit 11 that are stored in the

database 16) ("first database") to generate relevant traffic data; and stores the

information obtained from said relevant traffic data as analysis results **18A-C**

("second database") (Fig. 1).

The analysis results 18A-C are processed for generating report

summaries 19A-C of the access information which identify trends, statistics

and other information, That is, the method 20 uses the analysis results 18A-C

of traffic data hits 11 as collected in to the log file 15 or database 16 for

building activity, geographic, demographic and other report summaries 19A-C,

such as listed in Table 1 (column 4).

These report summaries may be generated selectively on-demand basis. Thus, the method analyzes and summarizes the access information recorded for a user-requested time (user provided criteria) frame on an ad hoc basis in a single pass through the analysis results 18A-C. Boyd does not seem to explicitly describe, "the report being generated in accordance with user provided criteria." Whiting which is related to the current invention and Boyd discloses a system/method for collecting textual log file data related to live streaming and on-demand media delivery in a searchable database from which reports may be generated and analysis performed.

Whiting further discloses a user interface that allows a user to generate reports based on selected criteria (Abstract, par. 14).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the user involvement or interaction in generating reports as described in Whiting with Boyd because it allows user generated report based on his/her chosen criteria.

Therefore, it would have been obvious to combine Boyd with Whiting to obtain the invention as specified in claims 1, 14 and 17.

With regard to claims 2 and 18:

Boyd in view of Whiting further describes that the format used in storing each traffic data 11 at the client computer comprise REFER SITE 37 (Fig. 3A), URL used to obtain web site information for performing the "hit." (Boyd, column 5, lines 65-66).

With regard to claims 3 and 19:

Boyd in view of Whiting further describes that the format used in storing each traffic data 11 at the client computer comprise RFC931 (HOST NAME) 31 (Boyd, FIG. 3A), used to store the host domain name of website visited by the user of the client computer.

With regard to claims 7 and 24:

Boyd in view of Whiting discloses that the generated report includes traffic information of websites in a particular category of websites (Boyd, column 6, lines 42-column 7, lines 8, Fig. 4, category of websites 40A-C).

With regard to claims 9 and 25:

Boyd in view of Whiting discloses the analysis report that includes website traffic information that may be cross-referenced with an enterprise's legacy demographic and transaction data (Whiting, par. 7).

With regard to claim 10:

Boyd in view of Whiting discloses that the report includes information about traffic to a set of uniform resource locators specified in the user provided criteria (Whiting, Pars. 12 and 14).

With regard to claim 11:

Boyd in view of Whiting describes collectively storing the user's total visit (navigation data) to the server in analysis result database (18A-C)(second database) (Boyd, column 11, lines 15-21).

With regard to claim 15:

Boyd in view of Whiting describes that providing a status of a report

requested by way of the submission module (user interface). For example, by

selecting the desired date range, and using the "Show Stats" Command, the

desired tabular report based on data/information contained in database 116

will be generated (Whiting, pars. 42 and 45).

With regard to claim 16:

Boyd in view of Whiting describes that a second database (analysis

results 18A-C) configured to receive relevant website traffic data, the relevant

website traffic data being obtained by processing the navigation histories

(traffic data 11), and wherein the report (summaries 19A-C) are generated by

querying the second database (18A-C) (Boyd, column 4, lines 23-32).

With regard to claim 20:

Boyd in view of Whiting discloses the computer network includes an

Internet (Boyd, Fig. 1, #13).

7.   Claims 4, 6, 8, 12, 13, 21 and 23 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Boyd et al (U.S. 6,112,238) in view of Whiting (US

Pub 2002/0156552) as applied to claim 1 above, and further in view of Casati

(2003/0084142).

With regard to claims 4, 12 and 21:

Boyd in view of Whiting describes parsing or examining each traffic data

hit 11 and stores the access information obtained from the traffic data as

analysis results 18A-C (see Boyd, column 3, lines 50-61). Boyd in view of

Whiting, however, does not explicitly describe that parsing or examining each

traffic data /navigational data includes removing unreliable data. Casati

discloses a method for analyzing of Internet based service. Casati further

describes data from a log 41 is checked and cleaned 210 by a first ETL data

checker 71 to remove invalid data (unreliable data) invalid or nonsensical data

(par. 36).

At the time of the invention, it would have been obvious to a person of

ordinary skill in the art to combine the method used in removing invalid log

data with Boyd in view of Whiting. The motivation for doing so would have

been to selectively filtered log data or valuable log data that can be saved and

processed for generating a report, according reliable and accurate report can

be generated.

Therefore, it would have been obvious to combine Boyd in view of

Whiting with Casati to obtain the invention as specified in claims 4, 12 and

21.

With regard to claims 6 and 23:

Boyd in view of Whiting discloses a data warehouse (e.g., Boyd, database

16, Fig. 1) for storing larger amount of raw traffic data 11 received from the

client computer (e.g., remote system 12). Boyd in view of Whiting also

discloses a datamart to store analyzed or filtered data, traffic data (e.g. Boyd,

Analysis Results databases 18A-C, Fig. 1).

With regard to claims 8 and 13:

As described above Boyd in view of Whiting, especially as described by

Boyd each access by a remote user to the server results in a "hit" of raw traffic

data 11 (or navigation data) these data are analyzed/parsed to generating

trend and statistical information on ad hoc basis.

Although, the trend and statistical information can be used/configured

to deliver advertisement over the Internet is not explicitly described, Casati

describes that user navigation data can be configured for advertising service

over the Internet. Casati discloses advertising service providers seek to provide

the services in an efficient and desirable manner to the user or client (Casati,

par. 2). At the time of the invention, it would have been obvious to a person of

ordinary skill in the art to combine the advertisement service of Casati with

Boyd in view of Whiting. The motivation for doing so would have been to

generate an effective advertisement to each particular user. Therefore, it

would have been obvious to combine Boyd in view of Whiting with Casati to

obtain the invention as specified in claims 8 and 13.

8.   Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Boyd et al (U.S. 6,112,238) in view of Whiting (US Pub

2002/0156552) and further in view of Casati (2003/0084142) as applied to

claim 4 above, and further in view of Stuart et al (U.S. 6,661,431).

With regard to claims 5 and 22:

While the above applied as applied to claim 4 rejection describes removing invalid or unreliable data, but the applied art does not explicitly describe that the unreliable data includes "short term consumers" as required in claim 5. Stuart is directed to a method of representing high-dimensional information. Stuart also describes generating traverse or navigation data, affixing a time stamp to the data (step 226, Fig. 16). Context vectors (data) for web pages visited for a long duration will be more heavily weighted that web pages visited by the users (i.e., user's browser) for only a brief period ("short term consumers") (column 17, lines 36-63). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the weighting function, the context vector (data) to a visited page which may include time stamp with the above applied art. The motivation for doing so would have been to increase the accuracy of the summary context vector (data) of each web page of a website (column 17, lines 50-52).

CONCLUSION

9.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

10.   Examiner has pointed out particular references contained in the prior

arts of record in the body of this action for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art

and are applied to the specific limitations within the individual claim, other

passages and Figures may apply as well. It is respectfully requested from the

applicant, in preparing the response, to consider fully the entire references as

potentially teaching all or part of the claimed invention, as well as the context

of the passage as taught by the prior arts or disclosed by the examiner.

11.   Information regarding the status of an application may be obtained from

the patent application information retrieval (PAIR) system. Status information

for published application may be obtained from either Private –PAIR or Public-

PAIR. Status information for unpublished applications is available through

Private-PAIR only. For more information about the PAIR system, please see

pair-direct.uspto.gov web site. Should you have questions regarding access to

the PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

12.   Any inquiry concerning this communication or earlier communications

from the Examiner should be directed to Tadesse Hailu, whose telephone

number is (571) 272-4051. The Examiner can normally be reached on M-F

from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are

unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571)

272-4048 Art Unit 2173. .

Examiner Tadesse Hailu
Art Unit 2173 – Operator Interface
5/18/07
TADESSE HAILU
PRIMARY EXAMINER